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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,942	04/19/2005	Yi Li	2085-04000	4511
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CONLEY ROSE, P.C. David A. Rose P. O. BOX 3267 HOUSTON, TX 77253-3267			EXAMINER PARK, JEONG S	
			ART UNIT 2454	PAPER NUMBER
			NOTIFICATION DATE 06/23/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pathou@conleyrose.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,942	<b>Applicant(s)</b> LI, YI	
	<b>Examiner</b> JEONG S. PARK	<b>Art Unit</b> 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/2010 has been entered.

2. This communication is in response to Application No. 10/531,942 filed on 8/31/2004. The amendment presented on 5/24/2010, which amends claims 1, 4, 6, 7, 9, 10, 13-16, 18, 21, 23, and 24, is hereby acknowledged. Claims 1-24 have been examined.

### ***Response to Arguments***

3. Applicant's arguments filed 5/24/2010, with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2454

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5-8, 10, 11, 14-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al. (hereinafter Mao)(US Pub. No. 2003/0088876) in view of Ueno et al. (hereinafter Ueno)(US Patent No. 6,438,596).

Regarding claims 1 and 10, Mao teaches as follows:

A data acquisition source management (a video on demand (hereinafter VOD) gateway manages multiple incompatible and non-interoperable VOD systems, see, e.g., abstract) method comprising:

generating a source list identifying a set of acquisition sources (interpreted as multiple VOD systems, 30, 50 and 60 in figure 2A) coupled to a Real- time Multimedia Data On Demand (RTMDOD) server (RTMDOD server is interpreted as VOD gateway which includes VOD asset gateway 72, VOD session gateway 74 and VOD transaction gateway 76 in figure 2A)(VOD asset gateway aggregates video inventory from multiple VOD vendor's equipment and presents a listing of VOD titles to the viewer, see, e.g., page 1, paragraph [0012]) each acquisition source within the set of acquisition sources for provision of data therefrom (VOD systems deliver video (equivalent to applicant's data) to the set-top box over the CATV system, see, e.g., page 2, paragraph [0029]);

receiving a list request from a data requestor system (set-top box 40 in figure 2A) in data communication with the RTMDOD server (the VOD client software communicates with the VOD asset management system to display lists of available video programming to the CATV subscriber, see, e.g., page 2, paragraph [0025]), the

Art Unit: 2454

data requester system (set-top box 40 in figure 2A) distinct from the set of acquisition sources (multiple VOD systems, 30, 50 and 60 in figure 2A) and the RTMDOD server (VOD gateway which includes VOD asset gateway 72, VOD session gateway 74 and VOD transaction gateway 76 in figure 2A)(see, e.g., paragraph [0029] and figure 2A);

providing the source list to the data requestor system in response to the list request (the unified lists of VOD assets is presented at the set-top box, see, e.g., page 2, paragraph [0028]);

receiving a data request from the data requestor system at the RTMDOD server, the data request identifying a first acquisition source within the set of acquisition sources from which data is to be provided (the VOD session gateway receives the request for the given video from the subscriber via the set-top box, see, e.g., page 2, paragraph [0029]);

transmitting a data acquisition request from the RTMDOD server to the first acquisition source in response to the data request (the VOD session gateway receives the request for the given video and communicates with the appropriate VOD system that serves the particular given video selected by the subscriber, see, e.g., page 2, paragraph [0029]); and

initiating the transmission of data at the first acquisition source in response to the data acquisition request (the selected VOD system delivers the purchased video to the set-top box over the CATV system, see, e.g., page 2, paragraph [0029]).

Mao does not explicitly teach of generating a source list identifying a set of acquisition sources but generating data list available from acquisition sources.

Art Unit: 2454

Ueno teaches as follows:

A hierarchical system of video servers, including at least one center server and at least one local server, or cache node, are also connected to the ATM WAN. When a user wishes to select a video, a service control unit coupled to the ATM WAN generates a selection list of proposed videos for which server and network resources are available to immediately server the user-selected video. The service control unit determines whether server and network resources are available by sending separate queries to server and network resources management control units (see, e.g., abstract);

providing to the data requester system in response to the list request the source list identifying each acquisition source available for provision of data (the service control unit 1007 determines whether channels for transmitting a video are able to be established between the users 1010 and the local servers 1005, 1006 and the center server 1001, and makes a reservation for bands between the user and a server, which can be established, to the network management control unit 1007 via the channel 1018, see, e.g., col. 18, line 58 to col. 19, line 2); and

receiving a data request from the data requester system at the RTMDOD server, the data request including data requester system identification of a first acquisition source within the source list (the user selects a desired video source among the proposed video sources informed from the service control unit, and inform the service control unit of the selected video sources via the channel. The service control unit determines a server to which the video source selected by the user is to be offered, and direct the network resources management control unit via the channel 1018 to establish

Art Unit: 2454

the channel 1019 for the transmission of the video between the local server 1005 and the user, see, e.g., col. 19, lines 34-43).

Therefore, the service control unit determines a server among multiple server resources based on the user selection.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Mao with Ueno to include a service control unit in order to efficiently select a resource server among multiple resource servers for a user based on video source selected by the user.

Regarding claims 2 and 11, Mao teaches as follows:

Providing a data response from the RTMDOD server to the data requestor system in response to the data request being received by the RTMDOD server from the data requestor system (client sends “clientsessionsetup” message to the session gateway (502 in figure 5A) via session resource manager (504 in figure 5A hereinafter SRM) in step 2 and the SRM sends “clientsessionsetupconfirm” message to the client in step 12, see, e.g., page 6, paragraph [0110]-[0121] and figure 5A).

Regarding claims 5 and 14, Mao teaches as follows:

Providing the data response from the RTMDOD server to the data requestor system comprises transmitting data from the RTMDOD server to the data requestor system, the data being provided by at least one acquisition source within the set of acquisition sources indicated by and in response to the data request (the selected VOD system delivers the purchased video to the set-top box over the CATV system, see, e.g., page 2, paragraph [0029]).

Regarding claims 6 and 15, Mao teaches as follows:

The data transmitted from the at least one acquisition source to the RTMDOD server is subsequently received by the data requestor system in real-time therefrom (real time streaming protocol (hereinafter RTSP) supported for communication between VOD client 544 and VOD server 540 via session gateway 542, see, e.g., page 7, paragraph [0137]-[0142] and figure 6).

Regarding claims 7 and 16, Mao teaches as follows:

The data received by the RTMDOD server from the at least one acquisition source comprises multimedia data (video on demand system used for delivering video on client demand, see, e.g., abstract).

Regarding claims 8 and 17, Mao teaches as follows:

Providing an error message to the data requestor system by the RTMDOD server in response to the data request in the event that a data transmission error occurs following transmitting the data acquisition request from the RTMDOD server to the first acquisition source (the session gateway communicates with the set-top box and VOD servers, therefore the session gateway inherently provides or has capability of providing a message in response to a communication failure between the set-top box and the VOD servers, see, e.g., page 3, paragraph [0039]).

Regarding claim 19, Mao teaches as follows:

Each acquisition source (VOD system) within the set of acquisition sources is in data communication with the RTMDOD server (VOD gateway)(VOD asset gateway aggregates video inventory from multiple VOD systems, see, e.g., page 1, paragraph



Art Unit: 2454

[0012]) .

6. Claims 3, 4, 9, 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al. (hereinafter Mao)(US Pub. No. 2003/0088876) in view of Ueno et al. (hereinafter Ueno)(US Patent No. 6,438,596), and further in view of Kumar et al. (hereinafter Kumar)(US Patent No. 7,188,151).

Regarding claims 3 and 12, Mao in view of Ueno does not teach of registration process for the acquisition sources.

Kumar teaches as follows:

Transmitting registration data (logon ID and password) from the set of acquisition sources to the RTMDOD server (creating a session with the system by transmitting a logon ID and password, see, e.g., col. 8, lines 20-43);

verifying the registration data from the set of acquisition sources by the RTMDOD server (registration 1002 in figure 10 and individual client 1102 in figure 11, verification is inherently included for session login procedure); and

registering the set of acquisition sources onto the source list and storing the registration data corresponding to the registered set of acquisition sources onto a source database (profile database 1204 in figure 12) in response to the registration data being verified (entered user profile is written in the profile database, see, e.g., col. 9, lines 34-37 and figure 12).

Art Unit: 2454

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Mao in view of Ueno with Kumar in order to securely register available resources before using as a resource provider.

Regarding claims 4 and 13, Mao in view of Ueno does not teach of registration process for the data requestor.

Kumar teaches as follows:

Transmitting log-in data from the data requestor system (provider) to the RTMDOD server (provider can immediately view their patient's real time data by joining the session, see, e.g., col. 8, lines 57-59 and figure 11 for service provider registration);

registering the data requestor system onto a requestor list in response to receiving the log-in data therefrom, the requestor list identifying a plurality of data requestor systems (see, e.g., col. 9, lines 51-59 and figure 15); and

transmitting the source list to each data requestor system within the plurality of data requestor systems registered on the requestor list (the provider can view streaming and/or saved data relating to the patient by selecting button 504 in figure 5, see, e.g., col. 8, lines 47-56).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Mao in view of Ueno with Kumar in order to authenticate the VOD subscriber before presenting a listing of VOD titles to the subscriber.

Regarding claims 9 and 18, Mao in view of Ueno does not teach of updating the acquisition source status.

Kumar teaches as follows:

Verifying status of each acquisition source registered on the source list, the status of each acquisition source being one of active and inactive (Admin module 1010 in figure 19 shows the clients submodule 1902 includes servlets that display disabled and enabled clients and modify the profile of client, see, e.g., col. 11, lines 1-26 and figure 19);

updating the source list by removing each acquisition source having a status of inactive therefrom (the provider is notified that a session is in progress via a flashing "live" button, see, e.g., col. 8, lines 47-56); and

transmitting the updated source list to each of the plurality of data requestor system registered on the requestor list (the provider is notified that a session is in progress via a flashing "live" button, see, e.g., col. 8, lines 47-56).

Therefore they are rejected for similar reason as presented above in claim 4.

7. Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al. (hereinafter Mao)(US Pub. No. 2003/0088876) in view of Ueno et al. (hereinafter Ueno)(US Patent No. 6,438,596), and further in view of Bakshi et al. (hereinafter Bakshi)(US Patent No. 6,574,663).

Regarding claims 20-24, Mao in view of Ueno does not explicitly teach of updating status of each acquisition source periodically.

Regarding claim 20, Bakshi teaches as follows:

The status of each acquisition source within the set of acquisition sources is verifiable periodically (active device reports status periodically to the topology server, see, e.g., col. 5, lines 15-27).

Regarding claim 21, Bakshi teaches as follows:

The status of each acquisition source within the set of acquisition sources is verifiable by transmitting a status signal from each acquisition source within the set of acquisition sources to the RTMDOD server (active device reports status periodically to the topology server, see, e.g., col. 5, lines 15-27).

Regarding claims 22 and 23, Bakshi teaches as follows:

The status of each acquisition source within the set of acquisition sources which is in data communication with the RTMDOD server is an active status (active device reports status periodically to the topology server, see, e.g., col. 5, lines 15-27).

Regarding claim 24, it is rejected for similar reason as presented above in claims 20 and 21.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Mao in view of Ueno with Bakshi in order to efficiently update status information periodically to the managing server.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEONG S. PARK whose telephone number is (571)270-

Art Unit: 2454

1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./  
Examiner, Art Unit 2454

June 17, 2010

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454